

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 DHA-02 IO-10 SAJ-01 SCCT-01 SY-05

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 /078 W

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R 300826Z SEP 75

FM AMCONSUL STUTTGART

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INFO USMISSION USBERLIN

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CINCEUR VAIHINGEN

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FOR POLADS

E. O. 11652: N/A

TAGS: PINS GW

SUBJ: BAADER-MEINHOF TRIAL -- HOW WILL IT PROCEED?

REF: STUTTGART 630 AND PREVIOUS

1. SUMMARY: EXPERT MEDICAL REPORT ON THE CONDITION OF STUTTGART BAADER-MEINHOF PRISONERS HAS RAISED QUESTIONS ABOUT THE FUTURE OF THE TRIAL. PRESIDING JUDGE PRINZING HAS INDICATED POSSIBILITY TRIAL COULD BE SUSPENDED, CONTINUE WITHOUT PRESENCE OF ACCUSED, OR CONTINUE AT A SLOWER PACE TAKING HEALTH OF PRISONERS INTO CONSIDERATION. DEFENSE LAWYERS HAVE CLAIMED IN A APPRESS CONFERENCE THAT MEDICAL REPORT CONFIRMS THEIR STRUGGLE AGAINST CONDITIONS OF IMPRISONMENT AND CHARGE JUS-
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TICE AUTHORITIES WITH SABOTAGING THE LEGAL PROCESS. PRISONERS

HAVE DISASSOCIATED THEMSELVES FROM HAMBURG SEPTEMBER 13 TRAIN STATION EXPLOSION ATTRIBUTED TO AKTION RALF REINDERS. END SUMMARY.

2. ON SEPTEMBER 23 THREE COURT APPOINTED PSYCHIATRISTS AND TWO PHYSICIANS PRESENTED THEIR CONCLUSIONS TO THE COURT THAT BAADER-MEINHOF DEFENDANTS HAVE LIMITED PHYSICAL AND MENTAL CAPACITY TO FURTHER PARTICIPATE IN THE TRIAL AND THAT CONDITIONS OF IMPRISONMENT MUST BE IMPROVED. MEDICAL REPORT DOES NOT DRAW CONCLUSIONS ON THE REASON FOR PRISONERS' HEALTH CONDITION. TRIAL WQS SUSPENDED UNTIL SEPTEMBER 30 TO GIVE PROSECUTION AND DEFENSE TIME TO CONSIDER NEXT MOVES.

3. PRESIDING JUDGE PRINZING LISTED THREE POSSIBLE LEGAL COURSES OF ACTION: TRIAL COULD BE SUSPENDED; COULD BE CONTINUED WITHOUT PRESENCE OF DEFENDANTS; OR, MUCH AS IS NOW THE CASE, BE CONTINUED WITH SHORTENED SESSIONS, KEEPING THE HEALTH OF THE PRISONERS IN MIND.

4. DEFENSE LAWYERS QUICKLY CALLED A PRESS CONFERENCE ON SEPTEMBER 25 AND USED THE OCCASION TO ARGUE THAT THE TRIAL COULD NOT CONTINUE. THEY ACCUSED JUSTICE AUTHORITIES OF SABOTAGING LEGAL PROCESS AND REJECTED ALL ALTERNATIVES SHORT OF HALTING THE TRIAL COMPLETELY.

5. DEFENSE LAWYERS CLAIM MEDICAL REPORT SUPPORTS THEIR CHARGES AGAINST CONDITIONS OF IMPRISONMENT AND MADE PUBLIC DETAILS ON HEALTH OF PRISONERS. ACCORDING TO THE LAWYERS, ALL PRISONERS ARE IN A STATE OF EXHAUSTION, DIZZINESS, HAVE HEADACHES, LOW BLOOD PRESSURE, AND LIMITED ABILITY TO CONCENTRATE. BAADER SAID TOHA HAVE EXTREMELY LOW HEARTBEAT OF 40 PER MINUTE.

6. POSSIBILITIES OF CONSIDERABLE LEGAL MANEUVERING STILL EXIST. INFORMED LEGAL SOURCES REPORTEDLY SUGGEST PROSECUTION MAY APPLY TO HAVE TRIAL CONTINUE WITHOUT ACCUSED SINCE IT CAN BE ARGUED THEY ARE RESPONSIBLE FOR THEIR CURRENT HEALTH CONDITION. GERMAN LEGAL CODE (PARAGRAPH 231) COULD BE CONSTRUED, ACCORDING TO SOME LEGAL EXPERTS, TO SUPPORT PROSECUTION VIEW. TRIAL BEGAN MAY 21, BUT INTERRUPTIONS AND DELAYS HAVE PERMITTED ONLY 39 TRIAL DAYS, DURING WHICH NOTHING OF LIMITED OFFICIAL USE

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SUBSTANCE BEYOND READING OF THE INDICTMENT HAS OCCURED.

7. IN RELATED DEVELOPMENT, BAADER-MEINHOF PRISONERS DISASSOCIATED THEMSELVES FROM SEPTEMBER 13 EXPLOSION AT THE HAMBURG TRAIN STATION INJURING 11 PERSONS. PRISONERS, THROUGH THEIR LAWYERS, SAY ATTRIBUTING INCIDENT TO AKTION RALF REINDERS AND LINKING IT TO BAADER-MEINHOF GROUP IS PRESS PROVOCATION DESIGNED TO CREATE FEAR AND CONFUSION.

8. COMMENT: DESPITE CASUAL MEDIA ATTENTION AND RELATIVELY MILD PUBLIC INTEREST, BAADER-MEINHOF TRIAL SEEMS TO BE ENTERING A SIGNIFICANT PHASE, WHICH MAY WELL DETERMINE WHETHER GOVERNMENT'S "BEST LAID PLANS" FOR PROSECUTING AND JUDGING THE DEFENDANTS WILL BE SUCCESSFUL. COPING WITH TERRORIST ACTIVITIES AND NABBING THE OFFENDERS IS DIFFICULT ENOUGH UNDER CONDITIONS OF THE RECHTSTAAT. TRYING THE PRINCIPALS--WHO REJECT EVERY RECHTSTAAT PRINCIPLE, YET SKILLFULLY EMPLOY THEM TO THEIR OWN ADVANTAGE AND RUIN THEIR HEALTH THROUGH FASTING, PSYCHIC BINGES AND TANTRUMS--IS PROVIDING TO BE AT LEAST AS DIFFICULT. THE FAULT LIES IN PART WITH AN UNNECESSARILY LONG PERIOD OF INVESTIGATIVE ARREST, EXCESSIVE THOROUGHNESS IN BUILDING A CASE, AND PAYING MORE ATTENTION TO THE PHYSICAL ASPECTS OF DETENTION AND SECURITY THAN TO THE LEGAL AND PROCEDURAL ASPECTS OF THE TRIAL. EVEN IF SOMETHING UNUSUAL DEVELOPS, SUCH AS, HYPOTHETICALLY, REDUCING THE NUMBER OF CHARGES AND DEVELOPING THE CASE ALONG THE LINES OF PRINZING'S LAST TWO ALTERNATIVES (SHORTENED SESSIONS AND TRIAL IN ABSENTIA), THE TRIAL IS LIKELY TO PROCEED AT A SNAIL'S PACE. ONE

DEFENSE LAWYER EVEN CLAIMED IT WOULD TAKE EIGHT YEARS TO HEAR ALL THE WITNESSES IF SHORTENED SESSIONS BECAME THE ORDER OF THE DAY. JENKINS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TERRORISTS, TRIALS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STUTT01043
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750338-0675
From: STUTTGART
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975093/aaaaacnm.tel
Line Count: 139
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STUTTGART 630
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 02 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 JUN 2003 by ShawDG>; APPROVED <03 JUN 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BAADER-MEINHOF TRIAL -- HOW WILL IT PROCEED?
TAGS: PINS, GE, BAADER-MEINHOF GROUP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006